

DENTAL BOARD[650]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Dental Board hereby adopts amendments to Chapter 20, "Dental Assistants," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 13, 2012, as **ARC 0170C**.

These amendments establish a process by which a dental assistant trainee who does not become a registered dental assistant within 12 months of the first date of employment as a dental assistant may reapply for dental assistant trainee status; clarify that an out-of-state dental assistant applying for an Iowa dental assistant registration must have at least six months of prior dental assisting experience under a licensed dentist within the past two years; and require that a dental assistant trainee must have a certification of dental assistant trainee status issued prior to beginning work as a dental assistant trainee.

A public hearing was held on July 12, 2012, in conjunction with the Board's quarterly meeting. Written comments were received from the Western Iowa Tech Community College Iowa Dental Assistant Educators Council. The Council does not support allowing a trainee to "start over" as a trainee if the individual does not become a registered dental assistant within 12 months of the individual's first date of employment as a trainee, as required by state law. The 12-month time period is a statutory requirement that is not subject to waiver. The Board considered not allowing a trainee to reapply to "start over" as a trainee in those cases where a trainee had not met dental assistant registration eligibility requirements on or before the trainee's trainee status expiration date. The consequence would be that the individual would no longer be able to apply to become a registered dental assistant based on completion of 6 months of on-the-job training under the supervision of a licensed dentist. The other way an individual may qualify for registration is by completing an accredited dental assisting program at a community college. That option has a financial impact. The Board concluded that adopting amendments to allow an individual to start over in trainee status for a limited number of times would be more equitable. For example, some trainees are not able to become registered prior to their trainee status expiration date due to illness or medical absences or other unavoidable events. The Board wanted to provide some relief in those circumstances and allow an individual to return to dental assistant trainee status with a new 12-month trainee status expiration date.

Some dentists expressed concern over striking the seven-day grace period in paragraph 20.6(1)"a" during which they must notify the Dental Board of employment of a dental assistant. The concern is that the dentists might need to have a dental assistant start on short notice due to absences, illness, or resignations of current staff and they need a trainee status application approved quickly. The Board noted that dentists and dental hygienists must have been issued an Iowa license prior to employment in their professions. The Board concluded that dental assistants should be treated similarly. A new online healthcare licensing database is anticipated to be implemented during early 2013 and provides for the filing of online applications. Provided the trainee meets eligibility requirements, an online application would be approved quickly.

There are two changes that were made to the amendments since publication of the Notice. One change addresses the concerns raised by dentists about the need for prompt action on trainee applications. The adopted amendment to paragraph 20.6(1)"a" includes a delayed implementation date. The rescission of the seven-day requirement will not become effective until May 1, 2013. It is anticipated that this date would correspond to the availability of the online application system. The second change is a technical revision to subparagraph 20.6(1)"b"(2). The adopted subparagraph includes an amendment that adds the phrase "or equivalent" to clarify that an individual must be a high school graduate or equivalent; this change makes subparagraph 20.6(1)"b"(2) consistent with subparagraph 20.6(2)"a"(4), which also allows for high school equivalency.

These amendments were adopted by the Board on October 25, 2012.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 153.33 and 153.39.

These amendments shall become effective January 2, 2013.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition of “Trainee status expiration date” in rule **650—20.2(153)**:

“*Trainee status expiration date*” means the date established by the board office which is 12 months from a person’s first date of employment as a dental assistant. The trainee status expiration date is the date by which a trainee must successfully complete requirements and become registered as a dental assistant, pursuant to Iowa Code section 153.39.

ITEM 2. Amend rule 650—20.4(153) as follows:

650—20.4(153) Categories of dental assistants: dental assistant trainee, registered dental assistant. There are two categories of dental assistants. Both the supervising dentist and dental assistant are responsible for maintaining documentation of training. Such documentation must be maintained in the office of practice and shall be provided to the board upon request.

20.4(1) Dental assistant trainee. Dental assistant trainees are all individuals who are engaging in on-the-job training to meet the requirements for registration and who are learning the necessary skills under the personal supervision of a licensed dentist. Trainees may also engage in on-the-job training in dental radiography pursuant to 650—22.3(136C,153).

a. General requirements. The dental assistant trainee shall meet the following requirements:

a. (1) ~~Within 12 months of employment~~ Prior to the trainee status expiration date, the dental assistant trainee shall successfully complete a course of study and examination in the areas of infection control, hazardous materials, and jurisprudence. The course of study shall be prior approved by the board and sponsored by a board-approved postsecondary school.

b. (2) ~~Prior to satisfactorily completing 12 months of work as a dental assistant~~ the trainee status expiration date, the trainee must apply to the board office to be reclassified as a registered dental assistant.

c. (3) ~~Dental assistant trainee status is valid for practice for a maximum of 12 months. If trainee status has expired, the trainee must meet the requirements for registration and receive a certificate of registration in order to practice as a dental assistant. If a trainee fails to become registered by the trainee status expiration date, the trainee must stop work as a dental assistant.~~

b. New trainee application required if trainee not registered prior to trainee status expiration date. Pursuant to Iowa Code section 153.39, a person employed as a dental assistant has a 12-month period following the person’s first date of employment to become registered. If not registered by the trainee status expiration date, the trainee must stop work as a dental assistant and reapply for trainee status.

(1) Reapplying for trainee status. A trainee may “start over” as a dental assistant trainee provided the trainee submits an application in compliance with subrule 20.6(1).

(2) Examination scores valid for three years. A “repeat” trainee is not required to retake an examination (jurisprudence, infection control/hazardous materials, radiography) if the trainee has successfully passed the examination within three years of the date of application. If a trainee has failed two or more examinations, the trainee must satisfy the remedial education requirements in subrule 20.10(1). The trainee status application will not be approved until the trainee successfully completes any required remedial education.

(3) New trainee status expiration date issued. If the repeat trainee application is approved, the board office will establish a new trainee status expiration date by which registration must be completed.

(4) Maximum of two “start over” periods allowed. In addition to the initial 12-month trainee status period, a dental assistant is permitted up to two start over periods as a trainee. If a trainee seeks an additional start over period beyond two, the trainee shall submit a petition for rule waiver under 650—Chapter 7.

~~*d. c. Trainees enrolled in cooperative education or work study programs. Notwithstanding paragraphs “b” and “c,” the expiration date for dental assistant trainee status for*~~ The requirements

stated in this subrule apply to all dental assistant trainees, including a person enrolled in a cooperative education or work-study program through an Iowa high school ~~shall be extended until the trainee is 17 years of age and a high school graduate or equivalent.~~ However, In addition, a trainee under 18 years of age shall not participate in dental radiography.

20.4(2) Registered dental assistant. A registered dental assistant may perform under general supervision dental radiography, intraoral suctioning, and all extraoral duties that are assigned by the dentist and are consistent with these rules. During intraoral procedures, the registered dental assistant may, under direct supervision, assist the dentist in performing duties assigned by the dentist that are consistent with these rules. The registered dental assistant may take radiographs if qualified pursuant to 650—Chapter 22.

~~**20.4(3) Expanded function dental assistant.** Rescinded IAB 9/17/03, effective 10/22/03.~~

ITEM 3. Amend subrule 20.6(1) as follows:

20.6(1) Dental assistant trainee.

~~a. A~~ On or after May 1, 2013, a dentist supervising a person performing dental assistant duties must ~~notify the board in writing of such employment within seven days of the time the~~ ensure that the person has been issued a trainee status certificate from the board office prior to the person's first date of employment as a dental assistant begins work. ~~A dentist who has been granted a temporary permit to provide volunteer services for a qualifying event of limited duration pursuant to 650—subrule 13.3(3), or an Iowa-licensed dentist who is volunteering at such qualifying event, is exempt from this requirement for a dental assistant who is working under the dentist's supervision at the qualifying event.~~

b. Applications for registration as a dental assistant trainee must be filed on official board forms and include the following:

- (1) The fee as specified in 650—Chapter 15.
- (2) Evidence of high school graduation or equivalent.
- (3) Evidence the applicant is 17 years of age or older.
- (4) Any additional information required by the board relating to the character and experience of the applicant as may be necessary to evaluate the applicant's qualifications.
- (5) If the applicant does not meet the requirements of (2) and (3) above, evidence that the applicant is enrolled in a cooperative education or work-study program through an Iowa high school.

~~c. Within 12 months of employment~~ Prior to the trainee status expiration date, the dental assistant trainee is required to successfully complete a board-approved course of study and examination in the areas of infection control, hazardous materials, and jurisprudence. The course of study may be taken at a board-approved postsecondary school or on the job using curriculum approved by the board for such purpose. Evidence of meeting this requirement prior to the trainee status expiration date shall be submitted ~~within 12 months~~ by the employer dentist.

~~d. Upon expiration of the trainee status~~ Prior to the trainee status expiration date, the dental assistant trainee's supervising dentist must ensure that the trainee has received a certificate of registration before performing any further dental assisting duties.

ITEM 4. Amend paragraph **20.6(2)“a”** as follows:

a. To meet this qualification, a person must:

- (1) Work in a dental office for six months as a dental assistant trainee; or
- (2) ~~Have~~ If licensed out of state, have had at least six months of prior dental assisting experience under a licensed dentist within the past two years; or
- (3) Be a graduate of an accredited dental assisting program approved by the board; and
- (4) Be a high school graduate or equivalent; and
- (5) Be 17 years of age or older.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/28/12.